



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,787	09/04/2001	Dictmar Huglin	HP/2-21867	3542

324 7590 11/09/2007
CIBA SPECIALTY CHEMICALS CORPORATION
PATENT DEPARTMENT
540 WHITE PLAINS RD
P O BOX 2005
TARRYTOWN, NY 10591-9005

EXAMINER

CHANNAVAJJALA, LAKSHMI SARADA

ART UNIT	PAPER NUMBER
----------	--------------

1615

MAIL DATE	DELIVERY MODE
-----------	---------------

11/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/830,787

Applicant(s)

HUGLIN ET AL.

Examiner

Lakshmi S. Channavajjala

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33,35,36,42,43,47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33,35,36,42,43,47 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt of amendment and response dated 8-23-07 is acknowledged.

Claims 33, 35, 36, 42, 43, 47 and 48 are pending.

The following rejection of record has been maintained:

Response to Arguments

Applicant's arguments filed 8-23-07 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 33, 35, 36, 42, 43, 47-48, 61 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,643,985 to Hoffmann et al (Hoffmann).

Hoffmann teaches stabilization and prevention of oxidation of plastic materials of household or industrial type by the addition of phenolic antioxidants (col.1). The compounds (benzenepropanoic acid 3-(1,1-dimethylethyl)-4-hydroxy)-5-methyl-1,2-ethandiylbis(oxy-2,1-ethandiyl)ester & benzenepropanoic acid 3,5-bis-(1,1-dimethylethyl)-4-hydroxy)-1,6-hexanediylester) described in col. 6 of the Hoffmann meet

Art Unit: 1615

the claimed compounds with the conditions of "e=2, Q= ethylene, v is O (for claims 33, 35, 36, 42-43). Hoffmann teaches mixtures of the compounds (see col. 3). While Hoffmann teaches the stabilizing compounds for recycled plastic materials (domestic as well as industrial- see col. 12 for lubricants, antistatic agents, pigments), instant claims broadly recite "household products", which encompass the plastic materials of the Hoffmann and hence Hoffmann anticipates instant claims.

RESPONSE: Applicants argue that there is no overlap of the plastics of Hoffmann with the household products specified in claim 33 and the present household products are polishes, waxes and cleaners. However, instant claims broadly state the category of products and not the actual compositions, which include the thermoplastic materials such as polyolefin, polyurethane, polyesters etc., that constitute the recycled household products of Hoffmann. Further, the said polymeric materials are routinely employed in household cleaning compositions and not just packaging products such as laundry cleaning (US patent No. 5,789,373 –see abstract). It is to be noted that examiner cited the above Patent only to show that the plastic materials that Hoffmann teaches are routinely employed in the "household" products claimed and hence there is an overlap between the claimed products and that of Hoffmann.

2. Claims 33, 35, 47-48, 61 and 64 are rejected under 35 U.S.C. 102(a) as being anticipated by US 5,723,435 to Severns et al (Severns).

Severns teaches fabric softener compositions comprising a light stable antioxidant compounds such as those described in col. 3 (compound II- see the description of the variables in col. 3-4). The compounds of Severns teaches on the claimed compounds and instant claims recite "household products such as textile products", which encompass the fabric softening compositions of Severns. Thus, Severns anticipate instant claims.

RESPONSE: Applicants admit that Severns discloses a composition comprising an antioxidant, fabric softening agent, a carrier material and optionally a sunscreen. However, it is argued that the composition is used to treat the fabric repeatedly during the rinse cycle for deposition of antioxidant on the fabric but not for stabilizing the household products. Applicants' arguments are not persuasive because while the antioxidants of Severns are deposited on the fabric, Severns teaches incorporating the compounds in the composition, which meets the claimed step of incorporating the antioxidants in the compositions. Accordingly, the antioxidant compounds not only are deposited on to the fabrics, but also inherently stabilize the composition into which it is incorporated i.e., fabric-softening agent.

The following rejections of record have been withdrawn:

3. Claims 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,723,435 to Severns et al (Severns) in view of US 5,716,918 to Sivik et al (Sivik).

Art Unit: 1615

4. Claims 54-60 and 63 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Severns et al (Severns) in view of US 5,082,661 to Melnik et al (Melnik).

Applicants' arguments regarding the teachings of Melnick are moot because the rejected claims have been canceled.

Claim Rejections - 35 USC § 112

5. Claims 33, 35, 36, 42, 43, 47-49, 54-61, 63 and 64 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

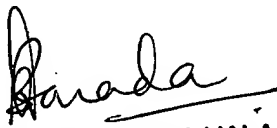
Art Unit: 1615

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.00 AM -4.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AU 1615
November 7, 2007


LAKSHMI S. CHANNAVAJJALA
PRIMARY EXAMINER